

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HARRY SMITH, JR., and ROSLYN )  
WOODARD SMITH, individually and as )  
Administrators of the ESTATE OF HARRY )  
SMITH, III )  
 )  
Plaintiffs, )  
 )  
v. ) C.A. No. 04-1254-GMS  
 )  
CITY OF WILMINGTON, JOHN ) **JURY TRIAL DEMANDED**  
CIRITELLA, THOMAS DEMPSEY and )  
MATTHEW KURTEN, )  
 )  
Defendants. )

**ORDER MODIFYING CAPTION**

WHEREAS, the defendants having moved for summary judgment and having filed a supplemental motion for summary judgment; and

WHEREAS, on March 22, 2007 the Court having entered a Memorandum Opinion and Order denying those motions in part and granting those motions in part; and

WHEREAS, it appearing to the Court that the only claims alleged against the defendant City of Wilmington are plaintiffs' state law claim of Abuse of Corpse and plaintiffs' *Monnell* claims; and

WHEREAS, the Court having granted summary judgment dismissing those claims,

IT IS THEREFORE ORDERED that the caption is modified to read as follows:

HARRY SMITH, JR., and ROSLYN )	
WOODARD SMITH, individually and as )	
Administrators of the ESTATE OF HARRY )	
SMITH, III )	
	) C.A. No. 04-1254-GMS
Plaintiffs, )	
	) <b>JURY TRIAL DEMANDED</b>
v. )	
JOHN CIRITELLA, THOMAS DEMPSEY )	
and MATTHEW KURTEN, )	
	)
Defendants. )	

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Gregory M. Sleet  
United States District Judge

Dated: March \_\_\_, 2007